



DEPARTMENT OF THE NAVY

CRANE DIVISION
NAVAL SURFACE WARFARE CENTER
300 HIGHWAY 361
CRANE INDIANA 47522-5001

IN REPLY REFER TO:

5720

00L/19F16.3

November 5, 2019

SENT VIA EMAIL

Mr. James G. Munisteri
Foley Gardere LLP
1000 Louisiana, Suite 2000
Houston, TX 77002

SUBJECT: FREEDOM OF INFORMATION ACT REQUEST DON-NAVY-2019-007534

Dear Mr. Munisteri:

This is a final response to your 24 June 2019 FOIA Request in which you requested, "A single copy of all communications with National Security Technology Accelerator (NSTXL) regarding the NSWC Crane S2MARTS (Strategic Missions Advanced Resilient Trusted Systems) OTA (Other Transaction Authority) awarded February 22, 2019 to National Security Technology Accelerator (NSTXL). This request is limited to general and financial information, not classified technology information." You were assigned local case file number 2019-F-16.

We conducted a thorough search of NSWC Crane's files, specifically those located in the Contract's directorate (002). Knowledgeable personnel who oversee and specialize in contract records conducted an extensive search of their files and determined that there were 109 (one hundred nine) responsive records pertaining to this inquiry.

In regards to the email communications that the Government had with NSTXL, we have reviewed the documentation and determined that those records should be withheld in full under the FOIA.

Withheld in accordance with FOIA regulations are all "trade secrets and commercial or financial information obtained from a person (including a business) [that is] privileged or confidential" under Exemption 4 [5 U.S.C. 552(b)(4)]. The Supreme Court's most recent decision in *Argus Leader*, provided that the term "confidential" be given its ordinary meaning. In this request, it was determined that the submitter customarily keeps this

information private or closely-held, that the Government did express an implied assurance of confidentiality, and at no time did the Government indicate the information would be publically disclosed. For a detailed discussion on "Exemption 4," please visit:
http://www.justice.gov/oip/foia_guide09/exemption4.pdf.

If you disagree with the determination, you may appeal the matter to:

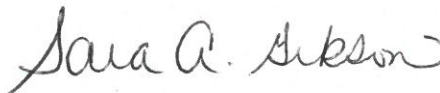
Department of Navy
Office of General Counsel
Attn: FOIA Appeals
1000 Navy Pentagon, Room 5A532
Washington, DC 20350-1000

Your appeal must be postmarked no later than 90-calendar days from the date of this letter and should include a copy of your initial request, a copy of this letter, and a statement indicating why you believe it should be granted. We recommend that your appeal and its envelope both bear the notation "Freedom of Information Act Appeal." In addition, you have the right to seek assistance and/or dispute resolution services from the Department of the Navy FOIA Public Liaison, Mr. Christopher Julka, at Christopher.a.julka@navy.mil or (703)697-0031. You may also contact the Office of Government Information Services (OGIS) for assistance and/or dispute resolution at ogis@nara.gov or 1-(877)684-6448. For more information, online, about services provided by OGIS, please visit their website at <https://ogis.archives.gov>.

Since no records were released for this FOIA request, there will be no charge.

If you have any questions concerning this letter, you may contact Sara Gibson at (812) 854-5297 or by email at sara.gibson@navy.mil.

Sincerely,



SARA A. Gibson
By direction